HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3989 of 2007

Dated:12.03.2007

Between:

Yetrintala Dasaradha Ramaiah.

…Petitioner.

and

The Tobacco Board and another.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3989 of 2007

ORDER:

The petitioner is a grower of tobacco. He has been granted licence to construct and maintain two barns by the Tobacco Board, the 1st respondent herein. His licence for one barn was renewed by the 1st respondent. As regards the other, the renewal was not accorded, for the crop season 2006-2007. He seeks a declaration to the effect that the action of the respondents in not renewing the licence for the other barn, for current season is violative of Articles 14, 19 and 21 of the Constitution of India.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

The Tobacco Board Act, 1975, prescribes the procedure for grant and renewal of licences to construct and maintain barns. The petitioner holds licence, in respect of two barns. They are required to be renewed every year. The respondents would undertake inspection and only on being satisfied about the fitness of the barns, the renewal would be accorded. The licence of the petitioner for one barn was already renewed. As regards the other, while the petitioner states that

he submitted an application with prescribed fee, well in advance, on behalf of the respondents, it is contended that the fee was paid, as recently as, on 05.03.2007. According to them, unless the application was filed in the prescribed form and unless they are satisfied about the fitness of the barn, the renewal cannot be accorded, as a matter of course. The petitioner does not dispute that the demand draft for renewal of the licence for second barn was paid only on 05.03.2007. There is nothing on record to disclose that the application for renewal of licence for the second barn, was presented before 05.03.2007.

Hence, the Writ Petition is disposed of, directing the respondents to pass necessary orders on the application of the petitioner for renewal of the licence for the second barn, within 15 days from today, in accordance with law and communicate the same to the petitioner. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.12-03-2007.

Note:Furnish C.C. in three days.

(B/o)

GJ